

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:) CHAPTER 13
) CASE NO: 19-50189
Robert Cummings)
) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
)
) TRUSTEE'S MOTION TO DISMISS AS 341
) FIRST MEETING OF CREDITORS CANNOT
) BE CONCLUDED AND 21 DAY OBJECTION
) PERIOD

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and hereby moves this Court for an order of dismissal pursuant to 11 USC § 1307 (c)(1) and Rule 4002. The Debtor(s) failure to timely supply necessary information has hindered the Trustee's ability to administer the case and has caused unnecessary delay by the Debtor(s) which is prejudicial to creditors as the Debtor(s) is enjoying the automatic stay provided by 11 USC § 362 while hindering repayment to creditors by failing to provide necessary information to conclude the 341 meeting. Until the 341 meeting is concluded the Trustee cannot recommend the case for confirmation. Creditors cannot be paid until the case is confirmed by the Court.

On **04/17/2019**, the above named Debtor(s) filed a petition for relief under Chapter 13 of the bankruptcy code.

The original date for the First Meeting of Creditors was **05/23/2019**, and has been adjourned several times because the Debtor(s) and attorney for the Debtor(s) have failed to supply the Trustee with certain required information. The Debtor(s) and attorney for the Debtor(s) were instructed to provide the following information to the Trustee.

<u> X </u> Tax Returns	<u> </u> Proof of auto insurance
<u> </u> Financial Statements	<u> </u> Proof of homeowners insurance
<u> </u> Chapter 13 Payment	<u> X </u> See Below for issues regarding Chapter 13 Plan
<u> </u> Pay stubs	

- **NEED 2018 TAX RETURN**
- **NEED PROOF OF AUTO INSURANCE**
- **NEED BANK STATEMENTS**
- **NEED TO REDUCE TRANSPORTATION TO \$500/MONTH**
- **NEED PROOF OF MEDICAL BILLS TO SUPPORT \$600/MONTH AND A COPY OF INSURANCE BILL SUPPORT \$594/MONTH**
- **NEED AMENDED - NEED TO CHECK THE CORRECT BOX UNDER #1.1, #1.2, #1.3, #2.3, #2.4, NEED TO CHECK 3RD BOX UNDER #5.1.**
- **NEED STEP UP PAYMENT STATING MONTH AND YEAR WHEN AUTO IS PAID OFF**
- **NEED A CHAPTER 13 MEANS TEST**
- **NEED AN ATTORNEY FEE DISCLOSURE**
- **NEED TO LIST ALL PRIOR BANKRUPTCIES IN THE PETITION.**

WHEREFORE, the Chapter 13 Trustee hereby moves this Court for an order of dismissal of the above Chapter 13 case for all the reasons stated herein.

CHAPTER 13
Keith L. Rucinski
Trustee
One Cascade Plaza,
Suite 2020
Akron, OH 44308
(330)762-6335
Fax
(330)762-7072

NOTICE

Pursuant to 11 USC § 102, unless a party in interest requests a hearing on this pleading, the Court may grant the relief requested without a hearing or further notice.

Parties that want to be heard on this matter must file a response to this pleading within 21 days from the date in the below certificate of service.

The response must be filed with the US Bankruptcy Court at:

**US Bankruptcy Court
2 South Main Street
455 John F. Seiberling Federal Building
Akron, Ohio 44308-1810**

In addition to filing a response with the Court, parties requesting a hearing must serve all parties in the below certificate of service either through the mailing address provided or, where applicable, by the Court's Electronic Filing System (ECF).

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee

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CERTIFICATE OF SERVICE

I hereby certify that on 06/25/2019, the following were served a copy of this pleading:

Via Regular Mail

Robert Cummings
2325 Bailey Rd.
Cuyahoga Falls, OH 44221

Via ECF

REBECCA J SREMACK ESQ (rebecca@sremacklaw.com)
Office of the US Trustee (ustpregion09.cl.ecf@usdoj.gov)
Keith L. Rucinski. Chapter 13 Trustee (krucinski@ch13akron.com)
Harold A. Corzin, Chapter 7 Trustee

Date of Service: 06/25/2019

By: T. Rowe
Office of the Chapter 13 Trustee

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